

**IMMIGRATION LAW PRACTITIONERS ASSOCIATION RESPONSE:  
PROPOSED CHANGES TO ADMINISTRATIVE COURT PROCEDURES****A. Guidelines as to what constitute immediate, urgent and standard applications**

ILPA is concerned that it should remain possible to seek a decision within a period specified by the claimant/applicant (rather than simply being able to specify 'within 48 hours' or 'up to two weeks'). It may, for example, be necessary to ask for a decision within 24 hours depending upon the date fixed for expulsion. Alternatively, if a decision is required within, say, three days, that should not lead to a different procedure compared to a decision that is required within 48 hours. It will assist neither the parties nor the Court if notice is not taken of the actual period in which a decision is required.

**B. Claimant's Reply to Acknowledgement of Service**

The ability to provide a reply to the Defendant's Summary Grounds supporting his Acknowledgment of Service is welcome. It is the current practice of the Court to put such replies before the judge considering permission on the papers. The judge usually takes account of them.

ILPA strongly opposes a restriction on such replies to issue of facts. It regularly occurs that a defendant will raise unforeseen issues of law or mixed fact and law in his Summary Grounds. It is important that the claimant is able to respond. Especially given that permission is essentially a screening process to weed out unarguable cases, it is obviously important that the judge has the full arguments of both sides. This will ensure that the Judge is in the best position to deal with all relevant issues on the papers, minimizing the prospect of a renewed oral application. ILPA refers to the attached submission to the Court from July 2009 as to this.

ILPA also reiterates its proposal made in the July 2009 submissions that the Defendant should be required to highlight to the Court where his Acknowledgment of Service relies upon a fresh decision letter, and the Claimant should have a period to amend his grounds to challenge that.

**C. Standardised trial bundles for substantive hearings**

ILPA has no objection to these proposals as a general guide although it would oppose compliance with them being obligatory in every case. There may be good reasons in a particular case for ordering the bundle differently.

**D. Revised timescales for submission of trial bundle and skeleton arguments in substantive hearings**

ILPA views the current deadlines for skeleton arguments as unnecessarily long and confusing (the reference to 21 and 14 *working* days appears to be a mistake). However, it has some concerns about simultaneous exchange of skeleton arguments to the extent that this may result in the Defendant failing to address issues which are then addressed by him for the first time at the oral hearing, causing possible unfairness and adjournment. ILPA would therefore suggest provision for a supplementary skeleton argument within seven days of the hearing addressing any issues in reply to the opposing party's skeleton which have not been adequately addressed in the initial skeleton.

**E. Skeleton arguments to be required for renewal applications**

ILPA has no objection to this proposal.

**Other matters in the Administrative Court**

ILPA has no objection to the proposals as to Part 8 applications.

ILPA

3<sup>rd</sup> March 2010